

Message Text

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ACTION L-03

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TO SCHWEBEL, L. FROM KERLEY

E.O.11652: N/A
TAGS: PFOR, EFI, CGEN, CPRS, GE, US
SUBJECT: CLAIMS AGAINST GDR

1. ON JULY 12, PRIOR TO MEETING WITH GDR WITH GDR REPRESENTATIVES, DEPARTMENT(KERLEY) AND EMBASSY OFFICERS HAD INFORMATIVE AND USEFUL DISCUSSIONS WITH OFFICERS CONCERNED WITH GDR CLAIMS IN UK, ITALIAN AND FRENCH EMBASSIES AND FRG PERMANENT REPRESENTATION. PROBLEMS FORESEEN IN THESE DISCUSSIONS SURFACED DURING OUR TALKS WITH GDR REPRESENTATIVES.

2. ON JULY 13 AND 14, WE MET WITH GDR REPRESENTATIVES, WALTER WEHLING, DEPUTY HEAD OF OFFICE, AMT FUER DEN RECHTSCHUTZ DES VERMOEGENS(OFFICE FOR THE PROTECTION OF PROPERTY) AND FRIEDRICH FENN, SAME OFFICE. FOLLOWING ARE MAIN POINTS OF THOSE DISCUSSIONS:

A. GDR STRONGLY REPEATEDLY URGED INITIATION OF FORMAL CLAIMS NEGOTIATIONS BETWEEN US AND GDR. THIS INITIAL SET OF INFORMAL MEETINGS WAS USEFUL, BUT GDR DOUBTED UTILITY OF FUTURE INFORMAL MEETINGS. GDR PREPARED TO OPEN FORMAL NEGOTIATIONS THIS YEAR IF US WISHES TO DO SO.

B. GDR ACCEPTS VALIDITY OF AGREED MINUTE OF
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SEPTEMBER 4, 1974 INCLUDING FACT THAT THE CLAIMS MAY HAVE

ARISEN BEFORE OR AFTER 1945, AND THAT QUESTIONS TO BE CONSIDERED INCLUDE LOSSES OF VICTIMS OF NAZISM. WE UNDERSTAND THAT OTHER COUNTRIES, NOTABLY UK AND FRANCE, HAVE EXPERIENCED DIFFICULTY ON THESE QUESTIONS BECAUSE THE CLAIMS PROVISISON IN THEIR AGREEMENTS TO ESTABLISH DIPLOMATIC RELATIONS WITH THE GDR ARE LESS SPECIFICALLY WORDED THAN OURS.

C. GDR ASSERTS THAT THE PROPERTIES HAVE NOT BEEN TAKEN BECAUSE US NATIONALS ARE STILL LISTED IN THEIR GRUNDBUCH(PROPERTY RECORDS) AS OWNERS. THEY CONCEDE THAT OWNERS HAVE BEEN DEPRIVED OF USE, CONTROL AND DISPOSITION OF PROPERTY BUT DO NOT AGREE THAT THIS CONSTITUTES A TAKING OF PROPERTY. THEY WERE NOT INTERESTED IN RECEIVING A LEGAL MEMORANDUM FROM THE US ON THIS QUESTION.

\$. GDR NOT PREPARED TO MAKE EXCERPTS FROM GRUDNBUCH AVAILABLE TO CLAIMANTS OR USG. THEY ARE PREPARED TO DISCUSS, DURING THE NEGOTIATIONS, METHODS THAT COULD BE USED TO OBTAIN THIS DOCUMENTATION. WE UNDERSTAND THAT THEY HAVE TAKEN THIS POSITION WITH ALL OTHER COUNTRIES WHEN THE QUESTION AROSE.

E. IN DECIDING ON THE COMPENSATION TO BE PAID FOR DEPRIVATION OF HE USE, CONTROL AND DISPOSITION OF THE PROPERTY , THE SITUATION AND PRESENT STATE OF REPAIR OF THE PROPERTY WOULD HAVE TO BE CONSIDERED. WE BELIEVE THIS INDICATES AN INTENT TO CHARGE THE OWNERS FOR REPARIS AND TAXES ON THE PROPERTY SINCE THEY ARE STILL THE NOMINAL TITLE HOLDERS.

F. WE MADE CLEAR THAT THE FAILURE OF THE GDR TO PURSUE MEANINGFUL NEGOTIATIONS WITH THE WORLD CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY, IS CAUSING DISAPPOINTMENT AND CONCERN TO THE USG. WEHLING SAID THAT THIS MATTER WAS NOT HIS RESPONSIBILITY, BUT THAT HE WOULD TRANSMIT OUR STATEMENT TO THE RESPONSIBLE OFFICIALS.

G. GDR REPRESENTATIVES LISTENED BUT DID NOT RESPOND TO OUR STATEMENTS ON WAR DAMAGES AND PRE-1945 DEBTS.

H. GDR WILL CONSIDER EACH CLAIM INDIVIDUALLY EVEN IF CLAIMS ARE PRESENTED AS A PACKAGE AND A LUMP SUM LIMITED OFFICIAL USE

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SETTLEMENT IS SOUGHT. CLAIMS WOULD HAVE TO BE SUPPORTED BY EVIDENCE MEETING GDR LEGAL REQUIREMENT OF PROOF. GDR REPRESENTATIVES WERE NOT PERSUADED BY US ARGUMENT THAT INTERNATIONAL TRIBUNALS, IS APPLICABLE LAW CONCERNING EVIDENCE. WEHLING SAID THE EVIDENTIARY QUESTION WOULD HAVE HAVE TO BE DISCUSSED DURING THE NEGOTIATIONS.

I. GDR WILL PRESENT CLAIMS AGAINST US DURING NEGOTIATIONS. GDR IS NOT PREPARED TO INDICATE IN

ADVANCE OF THE NEGOTIATIONS WHAT ITS CLAIMS WILL BE. US
SUGGESTION OF SECOND ROUND OF INFORMAL TALKS TO DISCUSS
GDR CLAIMS WAS CHARACTERIZED AS " NOT AS CONSTRUCTIVE STEP."

3. ATMOSPHERE WAS CORDIAN BUY GDR INSISTED THAT THESE
TALKS WERE MERELY INFORMATIVE, AND THAT RESOLUTION OF
DISPUTED ISSUES WOULD HAVE TO AWAIT NEGOTIATIONS.

4. FULL RESUME OF DISCUSSIONS OF JULY 12-14 BEING
PREPARED.
COOPER

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